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ABSTRACT

This plenary opening address on cultural and language rights emphasizes both the opportunities and constraints facing selected European minorities in their struggle both to reproduce their culture and to have their efforts recognized as a permanent, legitimate, and democratic contribution to modern society. The central thesis is that although the recognition of minority group rights is often a major sociopolitical advance in European states, it is of little applied value unless the state also recognizes the significance of establishing conditions under which the rights are exercised as a normal function of daily life. The discussion focuses on: (1) assessing the development of the recognition of cultural and language rights; and (2) analyzing the difficulties and lessons learned from the implementation of such rights in selected cases, such as those of the Flemish, Basque, Catalan, Frisian, Irish, Welsh, and certain Greek minorities. Selected language and minority legislation at the international, state, and national/regional levels is reviewed, and four principles for neutralizing conflicts are illustrated with Canadian and Belgian examples. Eight key questions on territory and language are presented that include such factors as class implications, mass media, technology advances, and the role of the European Community and other international organizations. (LB)

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THE CULTURAL RIGHTS OF MINORITIES : RECOGNITION AND IMPLEMENTATION.

Colin H. Williams

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Staffordshire Polytechnic

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THE CULTURAL RIGHTS OF MINORITIES:

RECOGNITION AND IMPLEMENTATION

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Bratislava Castle/Casta, November 13-16, 1991.

INTRODUCTION

I am honoured to have been asked to address you on the theme of cultural and language rights. I wish to emphasise both the opportunities and constraints facing selected European minorities in their struggle both to reproduce their culture and to have their contribution recognised as a permanent, legitimate and democratic contribution to modern society.

My central thesis is that although the recognition of minority group rights is often a major socio-political advance in European states, it is of little applied value unless and until the state also recognises the significance of establishing the conditions whereby such rights may be exercised as a normal function of daily life. In short, the state must not only honour individual and group rights but also facilitate the development of a cultural infrastructure and socio-economic context which gives life, meaning and worth to the implementation of group rights. I will divide my considerations into assessing the development of the recognition of cultural and language rights in Europe and then analyse the difficulties and positive lessons to be gleaned from the implementation of such rights in selected case studies. Finally I will suggest some avenues for future research and policy implications which will have a direct bearing on the comparative Central European cases we are discussing in detail at this conference.

THE RECOGNITION OF CULTURAL AND LANGUAGE RIGHTS

European history throughout its different epochs (Figure 1) is replete with examples of new initiatives being taken to legitimise the rights of national minorities, usually after periods of intense conflict, open warfare and the reconstruction of political territories. Our history is also marred by the sudden revocation of such rights when strategic, religious or ethno-linguistic exigencies dictate. We are at the threshold

Epochs in History

The Age of Absolutism

The Age of Enlightenment

The Age of Nationalism

The Age of Statism

The Age of Transnationalism

The Age of Postmodernism

Figure 1

of just such a period of reconstruction as the twin imperatives of social justice and lasting peace force us to recognise once again the salience of national minorities in our midst.

Evidence of this reconstruction abounds at all levels. At the supra-state level the parallel development of specifying the duties of states in respect of recognising fundamental human rights has been shadowed at the state and regional level by a host of reformist measures designed to allow minorities greater freedom of expression, to use their languages within the public sector and to reproduce their culture both within traditional domains and in the newer domains made possible by rapid communication and mass technology such as broadcasting and computer-aided education.

The issue of the protection of minorities has been a critical feature of both inter-state and inter-group relations in post-Napoleonic Europe. In figures 2-4 I have selected representative examples of legislation for the rights of minorities at international, state and regional level. It is evident that some states, such as Belgium have a long history of ethno-linguistic legislation, whilst others, such as the UK have yawning silences on this topic, reflecting the respective political cultures and salience of minority issues in shaping the state-formation process. This very partial selection of specific legislative acts is designed to demonstrate that we already have a varied and rich diversity of experience to draw upon in our search for comparative models of minority protection. What is new about the current period is the urgency of the need for flexible and effective Europe-wide attention to minority issues and the recognition that the nation-state itself is not necessarily the best, nor the most effective implementer of minority rights. New organizations and new means of monitoring and protecting against such sensitive issues as minority discrimination, genocide, anti-semitism and chauvinistic nationalism are called for. The security politics of the so-called 'New Europe' demand fresh initiatives.

Selected Language and Minority Legislation

INTERNATIONAL LEVEL

- Historical Treaties on Minority Rights.

- U.N. Covenant on Civil and Political Rights, 1966, Article 27.
- C.S.C.E. Final Act, Helsinki, 1975.
- UNESCO Declaration on Race and Racial Prejudice, 1978.

- Council of Europe Protection of Human Rights and Fundamental Freedoms.

- Standing Conference of Local and Regional Authorities in Europe, Resolution 192, 1988.

- C.S.C.E. Conference Document on Human Dimension. Copenhagen, 1990.

- C.S.C.E. Charter of Paris for a New Europe, 1991.

- C.S.C.E. Conference Document on Human Dimension, Moscow,1991.

- C.S.C.E. Report on Experts on National Minorities, Geneva, 1991.

- Council of Europe European Charter for Regional and Minority Languages, 1991.

Figure 2

Selected Language and Minority Legislation

STATE LEVEL

- The Belgian Constitution, 1831.
  Revision of Belgian Constitution, 1970 and 1980-88.
- The Copenhagen Declaration, 1955.
- The Constitution Act of Finland, 1919.
  The Finnish Parliament Act, 1928.
- The Irish Constitution, 1921.
- The Spanish Constitution, 1978.
- The Swiss Constitution, 1848.

Figure 3

Selected Language and Minority Legislation

NATIONAL /REGIONAL LEVEL

- Statute of Autonomy for the Åland Islands, 1920.
  Revised Autonomy Act for the Åland Islands, 1952.
  Autonomy Act for the Åland Islands, @1993.

- The Autonomy Statute of the South Tyrol, 1948.
  Amendment to the Autonomy Statute of South Tyrol, 1972.

- Belgian Linguistic Laws, 1930-32.
  Belgian Linguistic Laws, 1962-63.
  Belgian Constitutional Reforms, 1970.
  Belgian Constitutional Reforms, 1980-1987/8.

- Swiss Federal Constitution 1848, 1874, Article 116, modifications.

- The Welsh Language Act, 1967.

- Dutch Primary Education Act, 1920, Revised 1937.

- Basque Statute of Autonomy, 1979.
  Catalan Statute of Autonomy, 1979.
  Galician Statute of Autonomy, 1981.
  Basic Law of the Standardisation of the use of Basque, 1982.

Figure 4

Parallel initiatives have been taken by the Council of Europe, through its Conference on Local and Regional Authorities of Europe, which has drafted a Charter on European Regional and Minority Languages, and the UN Commission on Human Rights, which is preparing a universal declaration of the rights of members of national, ethnic, religious and linguistic minorities (O Riagain, 1989: 515). In addition there has been a proliferation of interest groups, quasi-political organisations and lobby associations to promote the activities of, for example, the Federal Union of European Nationalities or the Bureau of Unrepresented Nations in Brussels.

However, the most significant 'new actor' has been the Council for Security and Co-operation in Europe which has focussed on minorities of late, as a result of the profound political changes and ethnic challenges in Central and Eastern Europe. After initiating a concern with fundamental individual rights following the Helsinki Declaration of 1975 the CSCE process is now currently engaged in constructing a comprehensive framework for the protection of national minorities. At its Copenhagen meeting, June 1990, it declared that the participatory states would commit themselves to the following aims:-

"(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the effort to combat these phenomena in all their forms and therefore will

(40.1) take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

(40.3) take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies." (Copenhagen Conference, June 1990, pp.10-11).

Recently from 1 July to 19 July 1991 a Meeting of Experts on National Minorities was held in Geneva under the CSCE auspices. Its purpose was to

" hold a thorough discussion on the issue of national minorities and of the rights of persons belonging to them, with due attention to the diversity of situations and to the legal, historical, political and economic backgrounds, It included:

-an exchange of views on practical experience , in particular on national legislation, democratic institutions, international instruments, and other possible forms of co-operation;

-a review of the implementation of the relevant CSCE commitments and consideration of the scope for the improvement of relevant standards;

-a consideration of new measures aimed at improving the implementation of the aforementioned commitments" (p.19).

Significantly the CSCE meeting recognised that its recommendations required a reconceptualisation of the Sovereignty of the state, at least

in so far as the respect of its constituent minorities was concerned. It recognised that external agencies had a legitimate interest in the internal affairs of a particular state concerning the upholding of national minority rights. I quote their new stance:-

" Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State" (CSCE Expert Meeting on Minorities, Geneva, July 1991).

Theoretically this is a very useful safeguard against abuse, in selected cases we know from our reading of recent history that such a precedent might be used to justify direct involvement through physical force or economic coercion in the name of the beleagured minorities at risk.

However, the emphasis of the CSCE process on participatory democracy and constructive dialogue is to be welcomed greatly. A recent Minority Rights Group report (1991) hightlighted the issues by publishing a summary of these implications in public affairs and the exchange of ideas and information which offers a broad schemata of the types of practical implementation necessary to translate titular rights into effective action.

"On minority participation in public affairs:

Aware of the diversity and varying constitutional systems among them, which make no single approach necessarily generally applicable, the participating States note with interest that positive results have been obtained by some of them in an appropriate manner by, inter alia:

advisory and decision-making bodies in which minorities are represented, in particular with regard to education, culture and religion;

* elected bodies and assemblies of national minority affairs;

* local and autonomous administration, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies chosen through free and periodic elections;

* self-administration by a national minority of aspects concerning its identity in situations where autonomy on a territorial basis does not apply;

* decentralized or local forms of government;

* bilateral and multilateral agreements regarding national minorities;

* for persons belonging to national minorities, provisions of adequate types and levels of education in their mother tongue with due regard to the number, geographical settlement patterns and cultural traditions of national minorities;

* funding the teaching of minority language to the general public, as well as the inclusion of minority languages in teacher-training institutions, in particular in regions inhabited by persons belonging to national minorities;

* in cases where instruction in a particular subject is not provided in their territory in the minority language at all levels, taking the necessary measures to find means of recognizing diplomas issued abroad for a course of study completed in that language;

* creation of government research agencies to review legislation and disseminate information related to equal rights and non-discrimination;

* provision of financial and technical assistance to persons belonging to national minorities who so wish to exercise their right to establish and maintain their own educational, cultural and religious institutions, organizations and associations.

* governmental assistance for addressing local difficulties relating to discriminatory practices (eg. a citizens' relations service);

* encouragement of grassroots community relations efforts between neighbouring communities sharing borders, aimed at helping to prevent local tensions from arising and address conflicts peacefully should they arise; and

* encouragement of the establishment of permanent mixed commissions, either inter-State or regional, to facilitate continuing dialogue between the border regions concerned.

* the participating States are of the view that these or other approaches, individually or in combination, could be helpful in improving the situation of national minorities on their territories.

On the free flow of information and exchange of ideas:

* they will take effective measures to promote tolerance, understanding, equality of opportunity and good relations between individuals of different origins within their country.

* in access to the media, they will not discriminate against anyone based

on ethnic, cultural, linguistic or religious grounds. They will make information available that will assist the electronic mass media in taking into account, in their programmes, the ethnic, cultural, linguistic and religious identity of national minorities.

* they reaffirm that establishment and maintenance of unimpeded contacts among persons belonging to a national minority, as well as contacts across frontiers by persons belonging to a national minority with persons with whom they share a common ethnic or national origin, cultural heritage or religious belief, contributes to mutual understanding and promotes good-neighbourly relations.

* they therefore encourage trans-frontier co-operation arrangements on a national, regional and local level, inter alia, on local border crossings, the preservation of and visits to cultural and historical monuments and sites, tourism, the improvement of traffic, the economy, youth exchange, the protection of the environment and the establishment of regional commissions.

* they will also encourage the creation of informal working arrangements (eg. workshops, committees, both within and between the participating States where national minorities live, to discuss issues of, exchange experiences on, and present proposals on, issues related to national minorities).

On the implementation of CSCE commitments:

* the participating States note that appropriate CSCE mechanisms may be of relevance in addressing questions relating to national minorities. Further, they recommend that third meeting of the Conference on the Human Dimension of the CSCE consider expanding the Human Dimension

Mechanism. They will promote the involvement of individuals in the protection of their rights, including the rights of persons belonging to national minorities.

* with a view to improve their information about actual situation of national minorities, the participating States will, on a voluntary basis distribute, through the CSCE Secretariat, information to other participating States about the situation of national minorities in their respective territories, as well as statements of national policy in that respect". (quoted in Minorities and Autonomy in Western Europe, 1991, Minority Rights Group).

Armed with such emphases on democratic participation in public affairs, on representation within decision-making bodies at all levels from the local to the state and encouraged to participate in an informed dialogue, members of Europe's national minorities may look forward to a far more constructive and promising future. However, reliance on this form of supra-structural definition of rights and obligations alone could provide a false dawn of optimism, if it is not also accompanied by a parallel sub-structural reform of many aspects of public life in multi-cultural societies.

In a recent volume (Williams, 1991) I argued that there was often a time-lag between the formal recognition of cultural rights and the implementation of such rights as a social norm among the respective populations of the modern state. I also argued that cultural rights had to be set within a far wider socio-economic context if they were to be meaningful. This is not to suggest that cultural rights in central Europe need be delayed or compounded by the difficulties in establishing the appropriate socio-economic context, merely a cautionary reminder that

there are several layers in the processes of recognising the rights of national minorities, layers that have to be addressed and constructed simultaneously, for it is not a logical, evolutionary processes that we are describing, but one which is too often fired by emotions and passion and thus needs to be tempered by reason, struggle and planning.

Minority groups, conscious of their relative powerlessness, have tended to argue on moral grounds that their rights to have a separate language or religious status in the modern state are an expression of universal human rights. They echo the nineteenth-century liberal call for tolerance and equality for disadvantaged groups, and assert that the modern multi-cultural state not only has an obligation to guarantee them freedom from oppression, but also freedom to expression and participation. This new conception of freedom and social rights places a responsibility on the state to construct the conditions of possibility whereby a minority culture may be permitted to operate in formal, public domains. Hence the whole thrust of minority language agitation in Western Europe of late has been for bilingual education provision, for simultaneous translation services in legal and public administration services, for official recognition of language rights both on the statute book and in the market place. That such proposals are nearly always accompanied by both conflict and counter-claims that cultural pluralism is inefficient or subversive of state integrity should come as no surprise (Williams, C. 1991. p.10).

We recognise that legislating for the freedom to use a minority language in several domains has been a major political breakthrough in many of the states of western Europe. This was the battle of the 1960s and 1970s. The challenge facing such minorities in the 1990s is to transform the legal recognition institutionalised in the past two decades into actual routine social behaviour. This involves reform at two levels. First, many minority language speakers have to be encouraged to make use of the new opportunities which are now available. Paradoxically this is not as

self-evident as one might expect. After decades or centuries of being socialised into accepting that their culture is second-rate, of limited utility in a burgeoning world economy, many within the minority communities are reluctant to take advantage of the opening up of new domains, whether they be in formal education or in dealings with local and civil authorities in the autochthonous tongue. Reversing this status differential and inducing more self-confident use of the lesser used language is clearly far more difficult in some contexts, such as Breton and Arberesch, than in others, such as Catalan. Secondly, in order to allow these new domains to function there has to be corresponding reform of the public sector to enable bi- or multilingual practices to be instituted, for there is little justice in legislating for the use of the minority language in the courts of law, for example, if there are not also facilities for simultaneous translations. Similarly the employment and training of personnel must be a key factor in the success of bilingual reforms, for initially it often happens that the demand for language usage in a wide range of domains threatens to outstrip the supply of competent bilinguals in specialist fields. Thus we are lead to conclude that the recognition of minority language rights places a new obligation on the modern state to provide the context within which such rights may be exercised. This context should be seen from an holistic perspective for it involves all aspects of the local state's apparatus if language equality is to be a norm. Conventionally, attention has been focused on formal education as the chief agency of language reproduction, but increasingly we are recognising the potency of regional planning, of economic development and of social policy in structuring the conditions which influence language vitality.

IMPLEMENTATION

Remarkable as it may seem, given the attention to international law and the rights of minorities in the first section of this paper, there is ample testimony in Western Europe to argue that many minorities have achieved substantial improvement in their position without recourse at all to specified group or individual rights. Clearly I am not arguing that we should jettison the search for a comprehensive legal regime on minority rights, merely alerting to the fact that where social protest and a responsive state apparatus conjoin, there exists the possibility of extending the use of a minority culture into hitherto new and novel social domains.

If we conceive most minority demands as a manifestation of socio-political struggle then we can usefully summarise the experience of selected European minorities in terms of a five stage process (Figure 5). Many linguistic minorities such as the Vlaks and Arberol in Greece are at the very early stage of conceiving of themselves as a legitimate language grouping, others such as inhabitants of Occitanie and Friuli are at the mobilisation stage, still others such as Gaelic-speakers in Scotland and Bretons in France are searching for legitimacy to their demands. It is at stage four, institutionalisation, and stage five, parallelism/ normalisation that we see the more mature expression of minority ambitions, and these are best represented by the Flemish, the Basque, Catalans, Frisan, Irish and Welsh cases.

The potential for implementing cultural/linguistic rights is enormous. Here I merely alert to the central domains of access to the media, education and public administration and the law as the most promising avenues for recognising new rights. I am, conscious, however, that it is in the private/commercial sector that the full realization of such rights will need to be addressed.

Language Survival

Five foci of social pressure for language change.

1 **Idealism :** the construction of a vision of a fully rehabilitated 'threatened' language, this is the issue of making language and nation coterminous.

2 **Protest :** mobilising sections of the population to agitate for a social reform/revolution in the promotion of the lesser-used language.

3 **Legitimacy :** securing a generalised acceptance of the normalacy of exercising language rights in selected domains.

4 **Institutionalisation :** ensuring that the language is represented in key strategic agencies of the state, i.e.the law, education, and public administration.

5 **Parallelism/Normalisation :** extending the use of the language into the optimum range of social situations i.e.the private sector, entertainment,sport and the media.

Figure 5

MASS CULTURE AND ACCESS TO THE MEDIA

Ever since the diffusion of print capitalism and mass literacy members of Europe's linguistic minorities have been calling for greater access to, and control over, the mass media for they long recognised that the media, together with education, public sector administration and the law, were the institutional bases for cultural reproduction. The Arfe Report adopted by the European Parliament in 1981; and the Kuijpers Resolution of 1987 have reinforced this perspective, leading to a more formal emphasis on the provision of the requisite infra-structure for lesser-used languages to be represented within the mass media. However, as we are all too painfully aware, guaranteeing access to the media is often a sensitive and politically volatile move.

Often the values, ideas and messages imparted through the lesser-used language circulation network are at variance with the state's majority, hence the unwillingness of government to guarantee access to minority voices in the media. Yet, without access to the media, which overarches space and distance, and re-combines, re-unites disparate speakers, it is doubtful if relatively weak and embattled minority communities can survive intact (Williams, C.H. in press).

Although majorities are often suspicious of minority involvement in mass communication, fearing their usurpation by an unrepresentative section, such participation is essential to the furtherance of pluralist democracy. Ned Thomas recently encapsulated the nub of the question when he adivised that:

" Media in a given language provide the forum within which shared experience and shard problems are discussed, often from very different standpoints. Outsiders in the majority group often perceive a minority as having a single, monolithic, highly politicized stance and many

resist the establishment of media in the minority language, fearing that the air-waves will be dominated by a single point of view. Media are an essential part of democracy in whatever language or size of language they operate. Indeed in those areas of the EC where literacy in the lesser-used language is poor because of past discrimination in the education system, radio and television in their own language can have the special function of admitting to the spoken democratic debate people who are neither very fluent in the state language nor very literate in their own" (E.M. Thomas, 1989, p.4).

This is an important justification for the role of media, especially in multilingual societies generally, as within Central, Eastern and South-Eastern Europe. The transition to democracy is a fragile enough phenomenon for strong cultures, for the weaker it could pose a further threat as I have alerted elsewhere, for

" If the new cultural order of 'unity in diversity' is to become a reality in the future Europe, then much greater attention to the implications of 'development from below' ... (including mass technology and access to the media) ... needs to be stimulated; otherwise participatory democracy in the new Europe will be yielded to the tyranny of the majority in the name of progress and development, the watchwords of the centralising state and of its dominant elite" (Williams, 1990, p.244).

A further feature is the economic aspect of the development of the mass media, both in terms of job creation in a diverse set of related occupations and in the export potential of televisual material. This is a vital feature if members of the minority community are to be employed in the private, commercial sector where too often the language is excluded. This clearly has important social psychological, language status planning and behavioural implications for a specialized division of labour within

the lesser-used language community. The media not only transmit material, they also help establish new norms, new domains and new perceptions which seek to extend the hitherto restrictive domains of most languages (Thomas, 1989, p.6; Williams, 1989, p.46-48). //

This question of legitimization of new domains and identity reformulation is crucial. If the media in lesser-used language is able to provide a mix of local, regional, national and international material then they can be an "important means of internationalizing the consciousness of their own group. That is an important function, for just as no culture can survive without institutions of its own, so no culture can survive as an autarchy, impervious to outside influence. If cultures are unique, they are so because each culture stands at a unique cultural crossroads, not on a unique cultural island" (p.6). This platform is the means both to launch and to receive contributions from the wider world and thus becomes a pivotal agency for national minorities.

Specific examples of the success achieved by determined minorities would include popular literature, news print capitalism and radio-television broadcasting in Catalonia, Euskadi and Wales, and the cross-fertilization of ideas and practice which these nations enjoy through membership of the European Broadcasting Union. Let me illustrate by reference to the UK.

TELEVISION BROADCASTING IN WALES AND SCOTLAND

The statutory provision relevant to the Fourth Channel in Wales were contained in the Broadcasting Act of 1981. The Welsh Channel was an independent authority responsible not to the IBA, but via the Home Office to Parliament. Its first transmission was on November 1st 1982 and since then it has established itself as a central agency for the transmission of Welsh culture and as a reflector of Welsh social life. S4C operates a

partnership with BBC, HTV and independent producers as programme suppliers. This in turn has not only spawned a plethora of programmes but also new training and career opportunities for a wide variety of occupations, further strengthening the utility of Welsh in new domains. Currently some 27 hours of Welsh medium programmes are broadcast per week, but inevitably as the average number of English language hours taken from Channel Four has risen from 47 hours per week in 1984 to a projected 134 hours per week in 1991 the Welsh proportion has dropped steadily from 32.7% in 1984 to an estimated 16.7% in 1991. S4C's estimated expenditure for 1989/90 was £51.5 million, of which programme cost account for c.88% of total funds and operating costs some 9.5% (S4C, 1989). S4C audience research suggests that the service reaches c.80% of the total potential Welsh-speaking viewers, and c.55% of all viewers in Wales.

Its principle problems in the short to medium term are a gradually reducing share of advertising revenue; increased competition from new channels eg. C5 and C6; increasing penetration of satellite broadcasts; and an ever difficult search for new talent and the maintenance of the highest standards of performance and broadcasting skills.

Apart from seeking to broadcast to both Welsh and English speakers in Wales, S4C is also active at an international scale in co-operative arrangements with overseas television services and independent producers. It is particularly active in the European Broadcasting Union in relation to the influence of new technology on small-scale countries and lesser-used language communities, and with a decade of experience to date is instrumental in diffusing information and practice on minority broadcasting elsewhere in the world. Despite a halting start this reform has been an overwhelming success and one I would recommend to other demographically and regionally significant minorities.

In Scotland, the broadcasting of Gaelic-medium programmes is less well developed. Currently the BBC, STV and particularly the Grampian cover the regions but at a relatively modest level and with little real power to act as a safeguard for the language.

Recently as a result of strong lobbying the government has announced an £8 million injection of capital for independent Gaelic-medium broadcasting and this is interpreted as a significant filip to the extension of Gaelic in new domains. If the Welsh experience is used as a base, then new opportunities both for programme development and career development will strengthen the role of Gaelic. In addition to obvious entertainment and current affairs broadcasting, the television service could be an important boost to distance learning Gaelic-medium education and act as a catalyst to the wider spread of the language in the nation.

Being politically and demographically stronger the Catalan situation is even more impressive in terms of the broadcasting of programmes through the medium of Catalan where it has become a majority language. Although there are many scheduling and technical lessons to be learned from Catalonia, a more realistic comparison for the larger minorities in Central Europe is with the Basque and Welsh experience of mass-media communication.

EDUCATIONAL RIGHTS

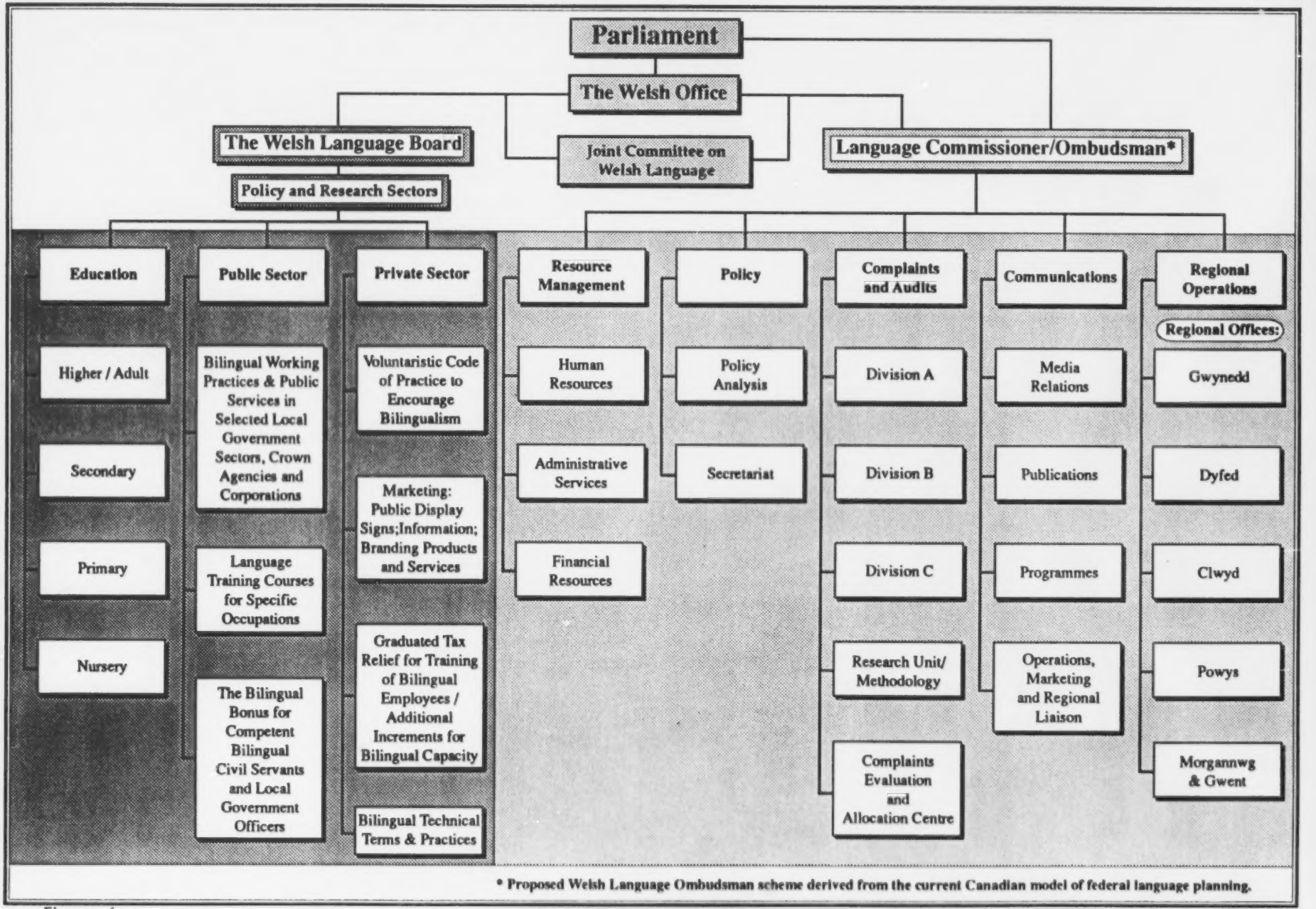
There is a significant literature on the education of linguistic and cultural minorities (for a good survey see Churchill, 1986). This is not the occasion to review that corpus of writing, or to repeat previous detailed analyses (Williams, 1989). Here I merely want to make three vital points about education.

1. First, next to the family it is the single most important agency for cultural reproduction, socialisation and identity formation. Where possible it therefore seems desireable for minorities to receive a significant proportion of their formal education through their mother tongue or preferred language.

2. Secondly, investment in minority education presumes a tolerant, plural society. It also presumes that the level of investment should be commensurate with the goals of the minority education programme. That this is hardly ever the case in reality is self-evident, but, at the very least, members of minority groups deserve co-equal treatment so that they are not subsequently disadvantaged in adulthood, i.e. schooling should be related to the wider social context and not perceived as either a preservationist element of the threatened culture, or as a detached agency for within-group control and sustenance.

3. Even in successful cases of educational reform, such as Catalonia, Euskadi and Wales, members of the minority community may still prefer to communicate in the majority language in many domains. We should not be surprised or cynical about reports which conclude that Catalan or Welsh children speak to their school friends in Castillian or English, or that after leaving school many of them will use the predominant state language.

This is a function of a complex process of psychological adjustment, new domain construction and the obvious reality that these bi- or multi-lingual children/students inhabit a society wherein two or more languages are in constant competition with each other. This in no way detracts from the inherent utility of promoting lesser-used languages within formal education, which is a notoriously difficult task but an integral expression of group maintenance.



* Proposed Welsh Language Ombudsman scheme derived from the current Canadian model of federal language planning.

Figure 6

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Rather than survey good practice within this educational field I have decided to set the educational experience within a framework of minority group planning for my homeland Wales. This is offered as an example of the formal infra-structure which would need to be in place in order to honour the rights of 'equal validity' enshrined in The Welsh Language Act of 1967 and the currently proposed New Welsh Language Act under scrutiny. My central point is that formal language planning is now a necessary accompaniment to the declaration of minority rights, but that it is not a self-evident process nor one that can be readily transferred from one political context to another. Figure 6 then is offered as an exemplar only for us to discuss in the workshop and elsewhere the implications of new domain construction for language and cultural representation in society. It is a potential, not an actual representation of how I would see language planning being organized in my home country of Wales. The detailed argument and interpretations of the scheme are outlined in Williams, 1989.

FUTURE DIRECTIONS

It is evident that the potential for inter-group conflict is enormous in a continent undergoing such profound transitions and the current conflict between Serbia and Croatia is but the latest sad manifestation of ethnic rivalry, federal-regional clevages and the absence of an overarching state ideology. The search for security and for principles whereby conflict is neutralized, or at least minimized, is thus vital. The experience of selected societies, particularly Canada and Belgium, has led Nelde, Labrie and Williams, (in press) to argue that linguistic conflicts can be partially neutralized if the principles elaborated upon in Figure 7 are followed. What is significant here is the manner in which the territorial protection of minority interests is treated. We are witnessing the

Four Principles for Neutralizing Conflicts

The Canadian and Belgian examples show that linguistic conflicts can be partially neutralized insofar as :

1. The introduction of the territoriality principle is limited to a few areas like administration and education.

2. The institutional multilingualism that emerges leads to the creation of independent unilingual networks which grant equal opportunity of communication to minority and majority speakers and which exclude linguistic discrimination connected with speakers of the prestige language.

3. Measures of linguistic planning are not exclusively based on linguistic censuses carried out by the respective governments; they should, rather, genuinely take into account the situational and contextual characteristics of the linguistic groups.

4. Linguistic groups in a multilingual country are not judged primarily quantitatively. Because they are in a minority situation, they should, on the contrary, be awarded more rights and possibilities of development than would be due to them based on their numbers and their proportion to the majority (for example, a lower number of pupils per class should be accepted for the minority).

Source : *Nelde, Labrie and Williams, 1991.*

Figure 7

erosion of all-encompassing territorial regions, i.e. formal regions, and their replacement by functional spaces which may or may not correspond to a legally binding administrative unit. This is part of the dual process of globalization and localization which is such a pertinent feature of contemporary life. Thus strict adherence to the territoriality principles of language planning and minority protection seem less relevant now than hitherto. We conceive of identity less in terms of 'cultural islands' and more in terms of 'cultural cross-roads' (Thomas, 1989 quoted in Williams, in press). Summarizing these trends Mlinar (in press, p.4) has argued that "the traditional territorial identities based on continuity, homogeneity, and clearly (physically and socially) identifiable borders are now being threatened. Does this mean that we are approaching the end of territorial identities as such or is it more a question of their transformation and (re) construction? It is increasingly unlikely that a territorial unit can continue to preserve its distinctiveness on the basis of frontal insulation ("dissociation" or "delinking"), while there is an increasing probability that distinctive identity may be formed as a unique crossroad in the flow of people, goods and ideas".

Thus sensitivity to place, to new identity formation, to the mutual respect and guarantee of cultural rights for all citizens in a state should inform our planning. Sectoralism and exclusivity appear to have had their day. But such sentiments do not accord with the wishes of certain minority groups who seek through territorial autonomy precisely those exclusive group rights denied to them by hegemonic majorities and central state powers in recent times. Thus whilst in some respects contemporary Europe is exercising its new openness in cross-border relations, by its fluidity and flexibility in market exchanges, in other respects there is a greater insistence than ever on becoming "maitre chez nous" and a dominant local majority. Hence the whole pressure for a reconstituted Europe of the peoples, rather than a Europe comprised of

mythical but powerful nation-states. Hence the return to localism, to autarchy, to grass-roots politics and social-ecological reform. Hence too the inherent dynamism unleashed in the call to liberty in Central and Eastern Europe.

If minorities are not to be marginalized, or worse till typified as the scapegoat for many of society's ills, then as we argue on Figure 7, dependent peoples should be awarded "more rights and possibilities than would be due to them based on their numbers and their proportion to the majority". In contemporary Europe two sorts of counter-arguments to this positive development of a minority's cultural infra-structure are posed. The first, often raised in Czechoslovakia, Hungary and Poland, argues that the prime requisite of the democratic state is to treat all its citizens equally, regardless of ethnic, national or linguistic origin. Minorities should not need "extra rights" if the democratic guarantees are in place, for as Vaclav Havel (1991) reminds us:-

" It seems to me that these collective rights can be accepted and included in the legal system only when we do not understand them as something beyond. As if there were some civil rights that are equal for everybody and then there are some special rights for some special groups of citizens which the others do not share. It is not the case. The right for freedom of speech, the fight to keep their individual culture, the right to education, all these are the essential human and citizen rights and in the case of minorities, ie. communities with their own traditions, spiritual, historic, social and with their own language background, can these general rights be well ascertained when they are allowd to be exerted within that frame and in that environment that are genuine to them. And I think that these instrumental functions belong to the collective rights".

This citizen democracy stance is understandable in a political climate which stresses the state as a co-ordinator of change rather than as the instigator or creator of a new binding order and social reality following 40 years of state intervention under totalitarianism. But such pristine democratic principles of co-equality, of majoritarian tolerance, of freedoms under the law to reproduce identity, do not guarantee nor satisfy minority aspirations in West European societies, why should they thus do so in Central and Eastern European societies where there is even less consensus about the nature of mass society, let alone the legitimacy of selected minorities in multi-ethnic societies?

A second objection relates to resources, as well as to political will. It is argued that some societies can barely afford the cost of mass education and citizen socialization within the majority culture, let alone worry about the luxury of, for example, providing a Hungarian-medium University in Slovakia, the restitution of Turkish language rights in Bulgaria following their denial under Todor Zhivkov's regime or primary-level instruction in the mother tongue of Lipovanions, Tatars, Ceangai, Secui, Svabi, Sachsons in Romania. Such objections should be taken seriously, and sympathetically, for constructing democracy and socio-economic development is indeed an expensive, if necessary process. Minority concerns are all too often marginalized as economically wasteful of scarce resources and an essentially private matter from which the State would be well advised to withdraw. The common argument runs that if people are so concerned with their own identity and the reproduction of their culture they should devise ways and means of financing and nurturing their language, religion, folk ways etc. This is a well-established charge against minority participation in the public, formal life of the State and it is but a short step from saying tha the State has no obligation to support such minorities, to saying that such minorities have no permanent right of residence in the State and should depart forthwith. When minority activists press for their demands in the face of state centralist

assimilation, they are accused of being recidivists, separatists, traitors and anti-pathetic to the State ideal. If full participation in multi-ethnic societies is to be realized then remedial action to counter long-term structural discrimination against minorities must be instigated. It is simply not good enough for a ruling elite to perpetually argue that society cannot afford to cater for its own minority population. The truth in these troubled times is that democracies cannot afford not to honour their obligations to constituent minorities.

Clearly the timing, precise nature and range of institutional support available will vary tremendously from society to society, depending upon the vagaries and exigencies of each situation. We are not naive enough to expect newly democratic societies to promise minorities a blissful future, only to disappoint because of shortage of resources, personnel and infra-structure. That would only increase the relative discontent and frustration which many minorities already feel. However, some judicious mixture of formal cultural-economic planning, together with means of neutralizing conflict appear to be a sine qua non of the security politics of Europe today.

We have been arguing that structural changes in society, together with the spread of social market economies, necessitates mutual tolerance, open boundaries and the reconstruction of identities in an increasingly technological age of instant communication and individualism. Where does this leave our original concern with language reproduction and territory? In my previous writing I have argued that territory is not only contextual, not only a scene for the playing out of socio-economic factors, it is itself a significant source of symbolic and resource power. Its possession and control is often deemed vital to the very survival of specific groups. However, territorially-rooted group identities are facing extreme pressures which serve to devalue place and regions within the spatial hierarchy of power and action. In Figure 8 I raise eight

Key Questions on Territory and Language

- Can an autochthonous culture survive without its own territory?

- Do the advances in technology liberate minority cultures from the confines of tradition, habit, routine behaviour and localism?

- Are there measurable thresholds beyond which it is both uneconomic and untenable to advance the scope and scale of technologocal developments for minority cultures, if the necessary infra-structure is lacking? If so, what are they and to which forms of technology do they apply?

- Need radio and television always follow, rather than precede, comprehensive educational reform where the lesser-used language is recognised within the local system?

- Should language rights be predicated on the territorial or the personality principle of language planning?

- What are the class implications of developing a bureaucratic technical intelligentsia within the minority culture?

- Are elitism, a new professional/technocratic intelligentsia and a burgeoning bureacracy, the necessary progeny of the recent marriage between language activists and the local/central power brokers?

- What role does the European Community, the Council of Europe ,CSCE and the European Bureau for Lesser-Used Languages have in facilitating inter-group networking on the media, group rights and cultural reproduction?

Figure 8

Key Research Areas Summarized

1) Comparative cross-national research on the application of territoriality and personality principles of language planning.

2) Social Survey analyses to identify actual language behaviour by domain and group characteristics, to supplement aggregate census data.

3) Identification of various social communication networks and their relationship to institutional support agencies.

4) Audits of the bilingual nature, operation and policy objectives of major public institutions.

5) Future expectations of the range of opportunities available to bilinguals in their employment in both public and private sectors.

6) The wide question of the perceptions held by consumers, agencies and educationalists as to what constitutes an appropriate place for proficiency in the threatened language.

7) The deep question of relative cultural autonomy, group relations and the increasing dependence of the language on state provision and control.

Figure 9

questions pertaining to these issues which I believe are worthy of our discussions here, but do not wish to comment upon them in advance of our deliberations.

Finally, what is to be done by the intellectual community and government agencies in terms of Key research areas? In Figure 9 I signpost seven broad areas which need urgent attention if the rights of minorities are to be instituted more generally throughout Europe. Substantive answers to these questions would quicken our awareness of the dynamic relationship between cultural reproduction, technological change, citizen participation and the modern interpretation of a democratic society. Many of our most pressing global problems such as mass starvation, social inequality, ecological pollution seem to defy conventional solutions because the political will is often absent to radically alter the system which gives rise to such problems. In terms of protecting the cultural linguistic and religious rights of European minorities many of the practicable solutions are available and have been successfully grafted on to the political system of selected states to provide a tolerable existence for many, majority and minorities alike. Socio-political conflict is neither a necessary nor an inevitable product of this relationship. I would argue that the principles and practical measures for satisfying legitimate minority demands are well understood. The real challenge facing us today is to determine how best to implement such principles as state policy in as wide a set of social domains as is feasible in each specific context. In an age of increasingly complex social organizations where questions of citizen identity, responsibility, obligation and expectation are continually being re-formulated, it would be foolish indeed to deny the legitimacy of minority rights and thereby add one further layer of difficulty in managing our common European home.

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